

PATENT  
ATTORNEY DOCKET NO. 07588/020002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kraus et al.	Confirmation No.:	4507
Serial No.:	10/583,684	Art Unit:	1651
Filed:	June 19, 2006	Examiner:	Not Yet Assigned
		Customer No.:	21559
Title:	USE OF HUMAN CORD-BLOOD DERIVED PLURIPOTENT CELLS FOR THE TREATMENT OF DISEASE		

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Alexandria, VA 22313-1450

**RENEWED PETITION REQUEST UNDER 37 C.F.R. § 1.497(d)**

In response to the Decision on Request under 37 C.F.R. § 1.497(d) mailed on September 4, 2008, Applicants hereby renew their petition request for correction of the inventorship in the above-captioned application from:

PAUL T. CLARK, MARC D. BEER, AND CHRISTOPH M. ADAMS

to:

MOREY KRAUS, MARC D. BEER, AND PAUL T. CLARK.

The inventorship set forth in international application no. PCT/US2004/042743, which was filed as a U.S. National stage application under 35 U.S.C. § 371 on December 20, 2004 and which has been assigned U.S. Serial Number 10/583,684 was in error. In support of this request, Applicants submit:

A copy of the statement from Morey Kraus filed with the Petition Request on October 30, 2006, indicating that the error of being omitted as an original inventor in the above-captioned application occurred without deceptive intent;

A copy of the statement from Christoph M. Adams filed with the Petition Request on October 30, 2006, indicating that the error of being named as an inventor and the error of

omitting to name Morey Kraus as an original inventor in the above-captioned application occurred without deceptive intent;

A newly executed declaration under 37 C.F.R. § 1.497(a) by the actual inventors;

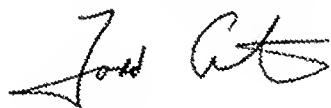
A written consent of the assignee to this correction of inventorship; and

A Supplemental Application Data Sheet.

The fee required by 37 C.F.R. § 1.17(i) for this petition request was paid at the time the original petition request was filed on October 30, 2006. A petition to extend the period for replying to the Decision on Request for one month, to and including December 4, 2008, is submitted herewith. Applicant authorizes the Office to deduct the fee required by 37 C.F.R. § 1.17(a) for the petition from Deposit Account No. 03-2095.

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,



Todd Armstrong, Ph.D.  
Reg. No. 54,590

Date: 4 December 2008

for \_\_\_\_\_  
Paul T. Clark  
Reg. No. 30,162

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

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Certificate of Mailing: Date of Deposit: October 30, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah Wilcox

Printed name of person mailing correspondence



Signature of person mailing correspondence

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REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.497(a)  
DECLARATION OF MOREY KRAUS

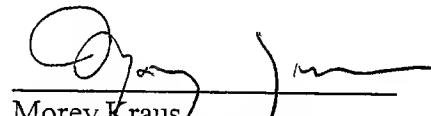
I, Morey Kraus, hereby declare that:

1. I am an original inventor of one or more inventions claimed in the above-referenced patent application.
2. Through error and without any deceptive intent on my part, the above-referenced application was filed naming as inventors Paul T. Clark, Marc D. Beer, and Christoph M. Adams, rather than Morey Kraus, Marc D. Beer, and Paul T. Clark.

3. After consultation with Marc D. Beer, Christoph M. Adams, and co-inventor and attorney of record, Paul T. Clark, I agree that I should be added as an inventor in the above-referenced application.

4. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 10/2/06

  
Morey Kraus  
Jefferson, Massachusetts  
*HARVARD*

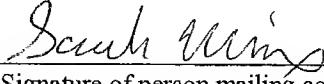
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Sarah Wilcox

Printed name of person mailing correspondence

  
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REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.497(a)  
DECLARATION OF CHRISTOPH M. ADAMS

I, Christoph M. Adams, hereby declare that:

1. I am not an original inventor of one or more inventions claimed in the above-referenced patent application.
2. Through error and without any deceptive intent on my part, the above-referenced application was filed naming as inventors Paul T. Clark, Marc D. Beer, and Christoph M. Adams, rather than Morey Kraus, Marc D. Beer, and Paul T. Clark.

3. After consultation with Morey Kraus, Marc D. Beer, and co-inventor and attorney of record, Paul T. Clark, I agree that I should be deleted as an inventor in the above-referenced application.

4. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date Oct 2, 2006

C. Adams  
Christoph M. Adams  
Lexington, Massachusetts

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COMBINED DECLARATION AND POWER OF ATTORNEY FOR UTILITY APPLICATION USING AN  
APPLICATION DATA SHEET

Title: USE OF HUMAN CORD BLOOD-DERIVED PLURIPOTENT CELLS FOR THE TREATMENT OF  
DISEASE

As the below named inventor(s), we declare that:

This declaration is directed to:

- The attached application.

We believe that we are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

We have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

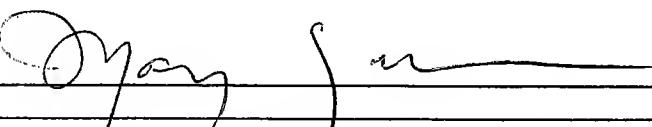
We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

We hereby appoint the attorneys and/or agents associated with customer number 21559 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence relating to this application to the address associated with customer number 21559.

Address all telephone calls to: Paul T. Clark at 617-428-0200.

All statements made herein of our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Morey Kraus	
Signature: 	Citizen of: USA
Marc D. Beer	
Signature: 	Citizen of: USA
Paul T. Clark	
Signature: 	Citizen of: USA

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CONSENT OF ASSIGNEE TO CORRECT  
INVENTORSHIP UNDER 37 C.F.R. § 1.497(d)

As an officer of the concern to which the above-captioned application has been assigned, I certify that Viacell, Inc., a Delaware corporation having a place of business at 245 First Street, Cambridge, MA 02142, is the assignee of the entire right, title, and interest in the above-referenced application by virtue of:

An assignment from the inventors of the application, which was recorded in the Patent and Trademark Office at Reel/Frame 018435/0044 on October 25, 2006.

Viacell, Inc. consents to the correction of inventorship of the above-referenced application under 37 C.F.R. § 1.497(d) from:

PAUL T. CLARK, MARC D. BEER, AND CHRISTOPH M. ADAMS

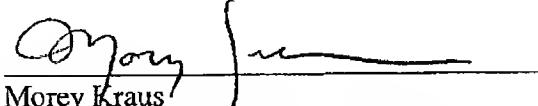
to:

MOREY KRAUS, MARC D. BEER, AND PAUL T. CLARK.

I am authorized to act on behalf of the above-named assignee.

Respectfully submitted,

Date: 03 Dec 08

  
 Morey Kraus  
 Vice President, Chief Technical Officer  
 Viacell, Inc.  
 245 First Street  
 Cambridge, MA 02142